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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 FINISAR CORPORATION, a Delaware  
15 corporation,

16 Plaintiff,

17 v.

18 U.S. BANK TRUST NATIONAL  
19 ASSOCIATION, a national banking  
20 association, not in its individual capacity,  
21 but solely in its capacity as Indenture  
22 Trustee in behalf of all Holders of Finisar  
23 Corporation's 5¼% Convertible  
24 Subordinated Notes due 2008, 2½%  
25 Convertible Senior Subordinated Notes due  
26 2010, and 2½% Convertible Subordinated  
27 Notes due 2010; and DOES 1 through 10,  
28 inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-CV-04052-JF (PVT)

**[Proposed] ORDER GRANTING  
PLAINTIFF FINISAR CORPORATION'S  
MOTION FOR ATTORNEY'S FEES**

Date: **Friday, November 7, 2008**  
Time: **9:00 a.m.**  
Courtroom: **3**

District Judge: Hon. Jeremy Fogel  
Magistrate Judge: Hon. Patricia V. Trumbull

Complaint Filed: June 22, 2007  
Summary Judgment: August 25, 2008

1 Plaintiff Finisar Corporation's Motion for Attorney's Fees ("Motion") was filed in the  
2 above-captioned action ("Action") on September 8, 2008 and heard on November 7, 2008. The  
3 Court, having considered the written and oral submissions of the parties in connection with the  
4 Motion, and good cause appearing therefore, hereby GRANTS the Motion, and ORDERS as  
5 follows:

6 Within ten (10) days of the date hereof, U.S. Bank shall pay to Finisar \$560,504.00.  
7

8 DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Judge